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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,402	01/09/2004	Dennis Michael Volpano	324413.06/MFCP.141333	7973

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SHOOK, HARDY & BACON L.L.P.  
(c/o MICROSOFT CORPORATION)  
INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BOULEVARD  
KANSAS CITY, MO 64108-2613

EXAMINER
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BROOKS, SHANNON

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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03/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/754,402	<b>Applicant(s)</b> VOLPANO, DENNIS MICHAEL	
	<b>Examiner</b> SHANNON R. BROOKS	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,7 and 53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 1/8/09 have been fully considered but they are not persuasive.

The argued features, i.e., "an access point device for a wireless LAN for isolating an end station from a plurality of end stations to support segregation of network traffic between the end station and the plurality of end stations, the access point device serving as a common access point for communication in the wireless LAN, the access point device" configured to:

"receive a request from said end station that is an association request or a probe request; and process said request by: determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device"; "receiving at least one parameter defining said BSS"; "establishing said BSS based at least on said at least one parameter"; and "sending a response to said end station that includes a BSSID of said established BSS".

Kitchin is discussing a system and method for permitting communication between subscribers in a wireless network and devices coupled to one or more wired communication networks. A transceiving circuit transmits data to or receives data from one or more subscribers through a wireless transmission medium. A first data link control (DLC) circuit is adapted to transmit data between the transceiving circuit and one or more devices coupled to a first wired communication network. A second DLC circuit is adapted to transmit data between the

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transceiving circuit and one or more devices coupled to a second wired communication network.

According to an embodiment, a wireless access point providing access to multiple wired communication networks may transmit multiple beacon signals, one beaconing signal for each of the wired communication networks accessible via the access point. In a wireless access point according to the WLAN standard IEEE 802.11, for example, a set of beacons may be transmitted for each BSS and ESS to include an associated BSSID and ESSID. A common Timing Synchronization Function (TSF) may be implemented for the generation of multiple interleaved target beacon transmission times (TBTTs). Here, TBTTs for each BSS of an access point may be interleaved by maintaining constant offsets referenced to the TSF. The access point may transmit a set of beacon signals for each BSS and ESS. The wireless access point may replicate beaconing management processes for each BSS and ESS. However, this is merely an example of how an access. Kitchin is discussing an access point in a LAN that may separate first and second physical transmission media that may contain other access points such that the access media are distinct. Therefore, Kitchin clearly reads on the argued limitation of, "an access point device for a wireless LAN for isolating an end station from a plurality of end stations to support segregation of network traffic between the end station and the plurality of end stations, the access point device serving as a common access point for communication in the wireless LAN, the access point device." Kitchin discusses an access point associating with each wireless network with a MAC address such that it appears to be multiple access points and receiving a class or client related parameter or security related parameter defining the BSS . Therefore, Kitchin reads on the argued limitation of "receive a request from said end station that is an association request or a probe request; and process said request by: determining for said request a basic service set

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(BSS). Kitchin in combination with Meier teaches that a remote subnet may return a frame to an access point when associating that contains no VLAN-ID and is therefore unknown to the access point. The combination teaches further that an access point may use a matching process to identify the BSS source of the frame. Therefore, the combination clearly reads on the argued limitation of "determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device." Kitchin discusses establishing a BSS based on different classes of clients or subscribers. Therefore, Kitchin clearly reads on the argued limitation of "establishing said BSS based on at least one parameter. Kitchin discusses an access point sending signals that include a BSSID to manage a station. Therefore, Kitchen reads on the argued limitation of "sending a response to said end station that includes a BSSID of said established BSS".

The Applicant argues specifically that the Office Action states that the Meier reference teaches determining a BSS that is unknown to the access point, when processing the request. However, the Office Action actually states that the combination of Kitchen and Meier teaches this limitation as discussed above. The Applicant argues that an explanation has not been provided as to how Meier reads on the argued limitation. However, an explanation has been provided as to how the combination of Kitchin and Meier read on the argued limitation as previously discussed above. The Applicant argues that Claims 1 is patentable, and since claims 2 and 7 contain similar limitations, that all should be allowed. However, the Examiner respectfully disagrees as previously discussed above. The Applicant argues similarly that claim 53 should be allowed because it relies on Meier and Kitchin and that Kimura fails to cure deficiencies.

However, Kitchin, Meier, and Kimura, clearly reads on the argued limitation of including an

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SSID wherein at least one parameter is based on SSID. Therefore, the Examiner respectfully disagrees. Further, Kitchin, Meier, and Kimura are exemplary references from relevant subclasses with motivations clearly provided that read on the argued limitations as discussed above and as set forth in the following office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchin (US 7130904) in view of Meier (US 6847620 B1).

Consider **Claim 1**, Kitchin teaches an access point device for a wireless LAN for isolating an end station from a plurality of end stations to support segregation of network traffic between the end station and the plurality of end stations, the access point device serving as a common access point for communication in the wireless LAN (Col. 3, line 51-Col. 4, line 52), the access point configured to: receive a request from said end station that is an association request or a probe request (Col. 6, lines 16-26); and process said request by:

receiving at least one parameter defining said BSS (read as associating a BSS with a class of subscribers or clients, Pg. 6, lines 1-15 or BSSID or ESSID, Col. 6, lines 47-67);

establishing said BSS based at least on said at least one parameter (read as established based on class of client or subscriber, Pg. 6, lines 1-15 or BSSID or ESSID, Col. 6, lines 47-67); and sending a response to said end station that includes a BSSID of said established BSS (Pg. 6, lines 47-67);

except that Kitchin does not specifically teach determining for said request a basic service set (BSS) that is unknown to said access point device at the time of receipt of said request by said access point device.

However, Meier teaches determining for said request a basic service set (BSS) that is unknown (read as roaming and not known when received and possibly belonging to a remote subnet, Col. 17, lines 1-49 ) to said access point device at the time of receipt of said request by said access point device (read as, at time of receipt, a frame does not contain a VLAN-ID for a recognizable VLAN subnet and therefore must undergo a matching process, Col. 17, lines 1-49).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Meier with Kitchin in order to aid in identifying the correct subnet-ID/VLAN binding (Col. 17, lines 2-15)

Consider **Claim 7**, Kitchin teaches a method in an access point device for a secure wireless network to support segregation of network traffic among a plurality of stations, each of said stations having a hardware (MAC) address (Col. 6, lines 16-26), comprising:

receiving an association request or a probe request from a first station (read as accessibility via access point from beacon, Col. 6, lines 47-67);

receiving at least one parameter defining said BSS (read as BSSID or ESSID,. Col. 6, lines 47-67);

establishing said BSS based at least on said at least one parameter, thereby creating a Basic Service Set (BSS) for a subset of said stations, and sending a response to said end station that includes a BSSID of said established BSS (read as BSS established based on class of client or subscriber, Pg. 6, lines 1-15 or BSSID or ESSID, Col. 6, lines 47-67), wherein stations in said subset belong to said established BSS and share a group security association (Col. 6, lines 16-47);

except that Kitchin does not specifically teach determining for said request a basic service set (BSS) that is unknown to said access point device at the time said request was received by said access point device.

However, Meier teaches determining for said request a basic service set (BSS) that is unknown (read as roaming and not known when received and possibly belonging to a remote subnet, Col. 17, lines 1-49 ) to said access point device at the time of receipt of said request by said access point device (read as, at time of receipt, a frame does not contain a VLAN-ID for a recognizable VLAN subnet and therefore must undergo a matching process, Col. 17, lines 1-49).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Meier with Kitchin in order to aid in identifying the correct subnet-ID/VLAN binding (Col. 17, lines 2-15)

Consider **Claim 2**, Kitchin teaches the access point device , further configured to provision a plurality of separate LAN segments (**read as distinct physical media, Col. 4, lines**



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**4-6)** while providing separate link privacy and integrity for each of said LAN segments (**Col. 6, lines 16-26**).

**Claim 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchin (US 7130904) in view of Meier (US 6847620 B1) and further in view of Kimura (US 2001/0048744 A1).

Consider **Claim 53**, Kitchin and Meier teach the access point device of Claim 1 except that the combination does not specifically teach wherein said request includes an SSID (service set identifier), wherein said at least one parameter is based on said SSID (Col. 6, lines 47-67).

However, Kimura teaches wherein said request includes an SSID (service set identifier) (Pg. 1, [0006], Pg. 2, [0014], and Pg. 4, [0045], wherein said at least one parameter is based on said SSID (Fig. 2, item 21] and Pg. 1, [0012])).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Kitchin and Meier into Kimura in order to aid in the association process (Pg. 2, [0014]).

### **Conclusion**

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon Brooks whose telephone number is (571) 270-1115. The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Shannon R. Brooks/

Examiner, Art Unit 2617

Shannon Brooks

March 14, 2009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617

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